

REMARKS

The Examiner has rejected claims 34–66. Claims 1–33 were previously canceled. No amendments to the pending claims are submitted. As a result, claims 34–66 are pending for examination with claims 34, 45, and 53 being independent claims. Applicants request reconsideration and allowance of claims 34–66 in view of the following remarks.

Rejections under 35 U.S.C. §103

The Examiner has rejected claims 33–66 under 35 U.S.C. §103(a) as being unpatentable over Shipp (US Publication No. 2004/0093384) (“Shipp”) in view of McCormick et al (US Patent No. 6,421,709) (“McCormick”). Applicants traverse the Examiner’s rejection and request reconsideration and allowance of claims 34–66 in view of the following remarks.

In particular, the Examiner asserts that Shipp teaches Applicants’ claimed spam rules and database or rules file including a plurality of spam rules. Applicants traverse this assertion pointing out that it is in error and should be withdrawn.

In particular, independent claim 34 calls for:

“A dynamic email spam analysis and management system comprising: a database including a plurality of spam rules,...”
(underlining added for emphasis)

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Independent claim 45 calls for:

“A dynamic email spam analysis and management system comprising: ...a select rules file including a plurality of spam rules...”
(underlining added for emphasis)

Independent claim 53 calls for:

“A method for dynamically updating spam rules, the method comprising: receiving an email message at a message switch; processing the email message against the spam rules to determine if the email message is a spam email message or a non-spam email message; creating a spam information entry corresponding to the email message in a log file; calculating statistics for the spam rules based on the spam information in the log file; updating a database of the spam rules based on the statistics; selecting a set of select rules from the database of the spam rules to form a select rules set; and replicating the select rules set to the message switch wherein the select rules set, once received by the message switch, becomes the spam rules.” (underlining added for emphasis)

Applicants submit that the invention as claimed in claims 34, 45, and 53, and the dependent claims, is neither taught, described, nor suggested by Shipp even in view of McCormick.

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In particular, Applicant's claimed spam rules are described in the original specification on at least pages 6 through 9 and are clearly different than Shipp's email message and/or representation thereof.

Shipp, on the other hand, teaches a database into which email messages and/or representations thereof are logged, and not the Applicants' claimed spam rules or the like. A representation of Shipp's email messages and/or representations thereof is described in some detail in paragraphs 0085 through 0099 of Shipp, making clear that these are different than Applicants' claimed spam rules. An algorithm for logging Shipp's email messages and/or representations thereof is provided in paragraphs 0081 through 0084 of Shipp, further making clear that these are different than Applicants' claimed spam rules. Shipp goes on to specify criteria (Shipp, paras 0102–0118), each of which being a characteristic of an email message and not of Applicants' claimed spam rules.

In particular, Shipp teaches, "The system will work perfectly well if all emails are logged." (Shipp, portion para 0080; emphasis added) And further, Shipp teaches, "The searcher 24 periodically queries the database searching for recent similar messages..." (Shipp, portion para 101; emphasis added) As such, it is clear that Shipp teaches a database of email messages and/or representations thereof and not the Applicants' claimed spam rules, which are different than email messages or representations thereof.

As such, the Examiner's rejection is in error and must be withdrawn. Accordingly, allowance of the above-referenced application is requested.

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CONCLUSION

Accordingly, in view of the above remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above application is requested. Based on the foregoing, Applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
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I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

May 2, 2008
Date

/Noemi Tovar/
Noemi Tovar

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